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TOKELAU

Working paper prepared by the Secretariat

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TOKELAU 1/

I. GENERAL

1. Tokelau, a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the South Pacific (Nukunonu, 4.7 square kilometres; Fakaofo, 4.0 square kilometres; and Atafu, 3.5 square kilometres) with a total land area of approximately 12.2 square kilometres. Nukunonu, the central atoll, is 92 kilometres from Atafu and 64 kilometres from Fakaofo. Western Samoa, 480 kilometres to the south, is the nearest sizeable neighbour.

2. Tokelauans are Polynesians with linguistic, family and cultural links with Western Samoa. According to the 1986 census, the total population of Tokelau was 1,690, an increase of 118 as compared with 1981. There were 603 inhabitants on Atafu, 426 on Nukunonu and 661 on Fakaofo. The constraints of atoll life and limited opportunities have led some 3,000 Tokelauans to settle abroad, particularly in New Zealand and Western Samoa.

II. CONSTITUTIONAL AND POLITICAL DEVELOPMENTS

A. General

3. Tokelau is administered under the Tokelau Act, 1948, and its amendments. 2/ Tokelauans are New Zealand citizens under the provisions of the New Zealand Citizenship Act, 1977.

4. It will be recalled that under the Tokelau Act, the Minister of Foreign Affairs of New Zealand may appoint the Administrator of Tokelau for a three-year term. Mr. Brian Absolum, the current Administrator, assumed office on 1 February 1992. The Administrator resides at Wellington and visits Tokelau annually. His responsibilities for the day-to-day administration of the Territory are in practice delegated to the Official Secretary, who heads the Office for Tokelau Affairs. By agreement with the Government of Western Samoa, that office is based at Apia. The post of Official Secretary has, for several years, been held by a Tokelauan.

5. The Government of Western Samoa gives considerable assistance to Tokelau. Besides the service it provides to the Office for Tokelau Affairs, it gives Tokelauans access to secondary and vocational institutions and medical facilities.

6. The General Fono (Council) of Tokelau (see para. 12) has approved a plan to relocate the Office for Tokelau Affairs to the Territory over a five-year period as soon as sufficient improvements in communications within Tokelau and between Tokelau and the outside world are completed. When the Office is relocated to Tokelau, it will be the first time since 1889 that the

Administration is resident in Tokelau itself. A decision is still to be taken on whether to establish one central office on one of the atolls or one office on each of the atolls. 3/

B. Legislative developments

7. Tokelau's legislative system is based on the Tokelau Act, 1948, as amended. New Zealand statutes apply to Tokelau only where explicit reference is made to it and, in practice, no New Zealand legislation is extended to Tokelau without Tokelauan consent. The Governor-General of New Zealand is empowered to make regulations for the peace, order and good government of the Territory, after due process of consultation.

8. In the early 1980s, in response to a study that concluded that Tokelau lacked a coherent legal system and that major reform was needed, a Tokelau Law Project was undertaken, which is still continuing, funded by the Tokelau budget and the United Nations Development Programme (UNDP). The aim of the project is to create a body of law that will give due recognition to Tokelauan custom and grant legal authority to local institutions. The process involves ascertaining Tokelau's wishes through consultations between New Zealand and Tokelauan representatives, who have formed a special committee for the purpose.

9. The first amendment to Tokelau legislation resulting from the Law Project was the Tokelau Amendment Act, 1986. 4/ During the period under review, regulations governing the Post Office and Customs, as well as animals, were promulgated.

10. All three atolls have statutory power to enact their own local laws.

Judiciary

11. The New Zealand High Court exercises civil and criminal jurisdiction in the Territory. The faipule of each atoll (see para. 12) also serves as its Commissioner, responsible for arbitrating and resolving disputes under local law.

C. Territorial government

12. The principal institution of government in Tokelau is the General Fono, which establishes policies for the administration of the Territory, takes decisions on the allocation of budgetary resources and makes policy decisions in all areas affecting Tokelauan life. The General Fono consists of 15 representatives of each atoll chosen by its respective taupulega (Council of Elders). The three taupulega are presided over by the faipule, who are the three joint chairmen of the General Fono. No major policy question is approved by the Administrator or the Minister of Foreign Affairs without the endorsement of the General Fono. The General Fono met twice during the period under review.

13. The General Fono continues to assume additional responsibilities. During the period under review, the Budget Committee considered expenditure and project proposals and presented a balanced budget for adoption by the General Fono. The Law Committee did not meet, but progress with its law reform project continued. Other committees, such as those for handicrafts, agriculture, accident compensation and health, continued to consider new policies and forwarded recommendations to the General Fono.

14. There are ongoing discussions between the General Fono and New Zealand on Tokelau's future political status (see paras. 24-30).

15. A representative of the Administrator, together with the Deputy State Services Commissioner, attended the sessions of the General Fono held in April 1991; the Administrator met with the faipule and pulenuku (village mayors) at Apia in May 1991. The function of New Zealand officials at meetings of the General Fono is purely advisory.

Atoll government

16. On each of the three atolls, the principal organ of administration is the taupulega or Council of Elders. The two most important figures are the faipule and the pulenuku. The taupelega is composed differently on each atoll. In Atafu the taupulega is composed of the head of each family group, together with the faipule and pulenuku. In Fakaofo, it comprises the faipule, the pulenuku and village elders. The taupulega of Nukunonu consists of elders and the nominated heads of extended families, the faipule and the pulenuku.

17. The pulenuku are equivalent to the village mayors. They are responsible for the day-to-day administration of village affairs, the scheduling of work, the supplying of water and, in some instances, the resolving of land disputes.

18. The faipule are joint chairmen of the General Fono and represent each atoll in its dealings with the Administrator, the Official Secretary and the officers of the Tokelau Public Service. They preside at meetings of the respective taupulega. The faipule also represent Tokelau at regional meetings and conferences. The failantuhi (village clerks appointed by the taupulega of each atoll) keep records of meetings and transactions of the taupulega.

19. The faipule and pulenuku are elected by secret ballot and universal suffrage for three-year terms. The next elections will be held in January 1993. In recent years, all the faipule and pulenuku have visited New Zealand for discussions with the Prime Minister and other officials on the political future of the Territory and to broaden their awareness of the general operation of government.

D. Public service

20. The 374-member Tokelau Public Service headed by the Official Secretary serves as chief adviser to the General Fono and implements its decisions. All teachers and medical personnel on the atolls are members of the Public Service as are labourers and other casual employees employed on a rotational basis. There are 172 established positions and 172 casual staff. Employment in the Tokelau Public Service is the main source of regular income in Tokelau. Except for seven expatriates, all staff in the Tokelau Public Service is Tokelauan.

21. The New Zealand State Services Commission approved a cost-of-living increase of 5 per cent for public service employees, effective 1 December 1990. The Commission normally carries out an inspection of the Tokelau Public Service annually.

22. Directors of the Tokelau Public Service and the Official Secretary make regular visits to Tokelau by ship, a round trip which normally takes at least a week. The time involved creates practical difficulties for the administration of the Territory and limits the number of public servants able to attend courses overseas. The transfer of the Office for Tokelau Affairs to the Territory itself will eliminate some of these problems.

23. Training awards were granted to members of the Tokelau Public Service by UNDP, the University of the South Pacific, the South Pacific Commission (SPC), the World Health Organization (WHO) and the Commonwealth Fund for Technical Cooperation.

E. Future status of the Territory

24. The Government of New Zealand is committed to assisting Tokelau attain a greater degree of self-government and economic self-sufficiency. While no timetable has been set, the New Zealand Government has regularly reminded the representatives of Tokelau of the desirability of continued progress towards self-government. It is the stated intention of the administering Power, however, to be guided by the wishes of the Tokelauan people.

25. The people of Tokelau have repeatedly expressed the desire to retain their special relationship with New Zealand. At its 631st meeting, held on 11 June 1991, the Subcommittee on Small Territories heard a message delivered by the Permanent Representative of New Zealand to the United Nations on behalf of the three faipule. According to the message, Tokelau was continuing its efforts to strengthen the role of its local institutions, in particular the councils and the General Fono. The expected transfer to the Territory of the Office for Tokelau Affairs was a part of those efforts. In addition, a review had been undertaken of the activities of the Tokelau Public Service that could be handed over to the General Fono. Altogether, those activities would assist in helping to evolve an acceptable structure of government for the Territory. 5/

26. It was further stated in the message that the people of Tokelau and their leaders were making efforts to create diversified employment opportunities; to provide training for young people and give equal recognition to men and women both in terms of employment and status in society; and to uphold the rights of the individual in conformity with the principles of the United Nations. 5/

27. The faipule reiterated that Tokelau would seek a change in its political status at its own pace and only when the Teritory could ensure that the choice it would finally make, in full consultation with the people and in conformity with traditional practice, was one that could be lived with. They expressed satisfaction with the support and understanding of the administering Power. 5/

28. The faipule expressed concern that dumping toxic wastes into the Pacific, nuclear testing in the Pacific and global warming would damage their environment and marine resources. They were helping to find solutions to those problems by participating in regional and international meetings. 5/

29. The faipule informed the Subcommittee that they intended to ask the administering Power to invite a United Nations Visiting Mission to assess the Territory's achievement, but sought flexibility to determine the timetable for the next visit themselves. The last Visiting Mission went to the Territory in 1986.

30. The Permanent Representative of New Zealand stated that, as the administering Power, his country considered it important to maintain a free and open dialogue with Tokelau on all important issues regarding its future. It looked to Tokelau to take the initiative in proposing major changes, however. His Government was always ready to provide any advice and support in that regard. 5/

III. ECONOMIC CONDITIONS

A. General

31. The economy of Tokelau is basically at a subsistence level. Its further development is limited by the Territory's lack of top soil and land-based resources, its small size and isolation. Apart from the salaries of public service employees, the main sources of income are sales of copra, stamps, souvenir coins and handicrafts and remittances from Tokelauans resident abroad, mainly in New Zealand. The per capita gross domestic product was estimated by UNDP to be US$ 830 for 1985-1986. 6/

32. There are cooperative stores on each atoll which carry basic supplies. The Tokelau Public Service Administration works closely with the Store Committee on each atoll to improve the management of the stores and to reduce the cost of goods. An increasing percentage of the goods now sold in Tokelau is imported directly from manufacturers in New Zealand, Australia and Fiji, rather than purchased through wholesale outlets at Apia.

B. Public finance

33. Tokelau's public revenue comes from New Zealand budgetary support and from various local charges, sales and fees. For 1990/91, direct budgetary assistance from New Zealand amounted to $NZ 4.3 million. 7/ Revenue amounting to $NZ 1 million was generated in Tokelau by shipping charges, sales of postage stamps, handicrafts and coins, customs duties and exclusive economic zone fees. These revenues cover recurrent local costs. Tokelau is responsible for managing and spending these funds.

34. New Zealand provided an additional $NZ 1.2 million for development projects, including a study to improve the Apia-Tokelau shipping link, construction of an inter-atoll vessel ($NZ 757,000), meteorological services, a tuna marketing study, a project to provide community care for the elderly, and youth newsletters.

35. New Zealand provided $NZ 1.5 million in emergency and disaster relief funds primarily used for rehabilitation and repair of the sea wall damaged by the February 1990 cyclone. An engineering team of the New Zealand Defence Force assisted in the rehabilitation efforts.

C. Development assistance

36. UNDP is the largest donor of development assistance after New Zealand. Assistance is also provided by SPC and other multilateral and regional organizations. 8/ The indicative planning figures of UNDP for 1987-1991 was US$ 1.1 million, of which 80 per cent was actually made available. The indicative planning figure for 1992-1996 was increased to US$ 1.3 million.

37. The installation of telecommunication links to the outside world is the largest and most costly UNDP project. To make possible the relocation of the Tokelau Public Service, UNDP is studying new options, including satellite communications in addition to the work already done in the project with UNDP funds.

38. The integrated atoll development project sponsored by UNDP and administered by SPC is continuing. The focus of the project has now changed to the strengthening of local institutions, with efforts commencing on Nukunonu. UNDP also continues to assist in the training of senior members of the public service, the upgrading of Tokelau's power and water supplies and the construction of seawalls around the atolls. Further UNDP assistance has been requested for shipping, livestock development and inter-atoll transportation. UNDP has also provided assistance to continue the construction of seawalls around the atolls.

39. Other international or multilateral donors include the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Meteorological Organization (WMO), WHO, the International Telecommunication

Union (ITU), SPC and the South Pacific Forum Fisheries Agency (FFA). The Commonwealth Fund for Technical Cooperation has been an important source of assistance in the education sector.

40. Tokelauans received training in such fields as management, accounting and computer skills. Considerable work was done on Tokelau customary law and the development of educational materials. A Tokelau dictionary and a history book have been published.

D. Agriculture, livestock and fisheries

41. Practically all land is held by customary title in accordance with the customs and usages of the inhabitants. The Tokelau Amendment Act 1967 provides that the people of Tokelau may dispose of their land among themselves according to their customs, but they may not alienate land by sale or gift to non-indigenous inhabitants. Land holdings pass from generation to generation within the families, and are the privilege of the head of the family group. Some land is held in common.

42. Because of Tokelau's sandy surface cover, vegetation has traditionally been limited to the coconut palm, breadfruit and pandanus. A successful vegetable-growing scheme, initiated with financial assistance from UNDP and technical advice from SPC, has been extended to Nukunonu and Atafu. A project aimed at developing root crops will also be extended to these two atolls. The United Nations Children's Fund (UNICEF) has provided funds for the purchase of vegetable seeds.

43. In order to protect the crops, programmes for the control of various infestations continue to be carried out.

44. Tokelau's livestock now comprises pigs, fowl and ducks. Attempts to improve the local swine breed have achieved positive results.

45. Ocean, lagoon and shellfish are plentiful and are a main constituent of the diet. The most common species of fish caught are tuna, skipjack and mullet. UNDP has provided fish-aggregating devices to help increase catches. Under an agreement between the United States of America and the States members of FFA, the American Tuna Fish Association (ATFA) is allowed to fish in the exclusive economic zones of the region in exchange for the payment of fees. Whether or not United States ships actually fish in the waters of Tokelau's exclusive economic zone, the Territory is entitled to assistance for economic development from ATFA by virtue of its being a beneficiary of the agreement of which New Zealand is a signatory. A fish-processing plant has been operating in Atafu since October 1990, funded by the FFA-United States Tuna Treaty. The plant processes fresh tuna into marinated, sun-dried tuna flakes.

46. A trochus-seeding project was introduced on Fakaofo in the 1980s. During the period under review, stocks were replenished with specimens from the Cook Islands and the project was extended to cover Nukunonu and Atafu. Also, a

joint UNDP/Food and Agriculture Organization of the United Nations (FAO) aquaculture programme has agreed to contribute towards the transplant of black pearl oysters from the Cook Islands to Tokelau. Following the completion of a survey of clam and pearl oyster stocks, proposals were made for a reseeding and restocking programme for both species.

47. A study of traditional tuna fishing lore has been published. In addition, during the period under review, a collection of 1,000 slides on traditional fishing techniques was issued and is being used by the Office for Tokelau Affairs. Further studies are being undertaken with financial assistance from the South Pacific Regional Environmental Programme.

E. Transport and communications

48. Tokelau continues to rely on shipping services for all transport, including passengers, cargo and mail. The MV Wairua, owned by a Fiji-based shipping company, makes the round trip between Apia and the Territory once a month. A Western Samoan barge, MV Fotu O Samoa, undertook additional charters to transport building materials and supplies, and a vessel owned by the Government of Tuvalu undertook two charters. A replacement vessel for the Apia-Tokelau route is still being sought.

49. Press reports in February 1992 indicated that a 19-metre catamaran built in New Zealand had arrived in Tokelau and was about to start operating a regular service among the atolls. It can acccmodate 50 passengers and carry 60 cubic metres of freight. 9/

50. The General Fono has rejected plans for the construction of an airstrip on the grounds that the land would be better used for copra and food production. 9/

51. Telecommunications with the outside world and among the three atolls are limited to a single-channel radio link provided by UNDP. The system permits communications either between two atolls or between one atoll and Apia at a given time. Further UNDP cooperation will be required to improve telecommunications sufficiently to enable the move of the Office for Tokelau Affairs to the Territory. A total of US$ 919,000, 70.5 per cent of the indicative planning figure, has been allocated to the development of telecommunications.

F. Public works

52. During the period under review, various public work projects were carried out on the three atolls, including repairs to sea walls and buildings damaged by the 1990 cyclone. A number of projects were completed.

G. Energy and water

53. All three atolls are provided with UNDP-funded 36 kVA diesel generators to improve their electricity power supplies. New cables were laid to replace old wires and new pillar boxes were connected. Household metres were installed in each home. The Fenuafala (Fakaofo) power reticulation programme was begun and is scheduled to be completed later this year.

54. The water-supply programme has increased the availability of rain water to over 100 litres per person per day, provided there is regular rainfall. The water supply is now sufficient to accommodate the sanitation programme, which allows for new homes to be provided with water-scaled facilities and septic tanks.

H. Banking and credit

55. New Zealand currency and the Tokelau souvenir coin are legal tender in Tokelau.

IV. SOCIAL AND EDUCATIONAL CONDITIONS

A. Health and social services

56. Each of the three atolls has a hospital equipped with adequate supplies of medicine and medical and surgical instruments. Critical or difficult cases are referred to Western Samoa or New Zealand for treatment. The Health Department of Tokelau is planning to centralize health services, taking advantage of the newly operational inter-atoll vessel. The Department is also planning to install diagnostic services, an X-ray unit, a laboratory and an operating theatre. This is expected to reduce the number of referrals to Western Samoa.

57. A major concern regarding health conditions in Tokelau is the rapid rise in the incidence of non-communicable diseases, such as hypertension, heart disease, diabetes and gout. Changing lifestyles as well as smoking, beer-drinking and the increasing dependence on imported foods are reported to be the underlying causes for these changes in the health patterns of the people.

58. Tokelau became an associate member of WHO in May 1991. As a result, it is expected that Tokelau's primary health care will be strengthened significantly.

B. Educational conditions

59. Each of the three atolls has modern and well-equipped primary and secondary schools for children between the ages of 5 and 18 years. In 1987, a national form V class was introduced on Nukunonu. The class is open to students from the other two atolls who must board with Nukunonu families during the school year. Education is free and school attendance is close to 100 per cent. There are also preschool classes in each village. Each school has a library which is also used by the local community.

60. Tokelau's teaching establishment comprises 43 qualified teachers and 8 teachers' aides. Each atoll has a parent-teacher association that helps to organize school activities.

61. In the past, qualified students might take examinations for scholarship for futher study in New Zealand upon completing form II. Under a new policy instituted in 1990, examinations were given at the form V level. It was considered that under the earlier system, students were being sent overseas at too young an age. During the period under review, 28 students sat the scholarship examinations.

62. Adult learning centres have been established on each of the atolls. The centres offer programmes aimed at developing traditional skills, such as carving and weaving, as well as courses on specific trades, such as sewing, outboard motor maintenance and engineering.

63. Teachers are being encouraged to upgrade their professional and academic skills through correspondence courses and in-service training. Two volunteers from New Zealand are helping teachers improve their abilities. One is assisting with the establishment of form V science programmes and is providing in-service training. The other is helping develop the preschool curriculum. Effort is being put into the development of women's, and youth programmes, as well as sports programmes.

64. There are 94 Tokelauan students and trainees studying overseas in New Zealand, Western Samoa, Fiji, Tonga, Niue, Solomon Islands and Tuvalu. Of these, 37 are secondary school students and the rest are either studying at university or are receiving training in a variety of technical skills.

C. Housing conditions

65. The people on Atafu live in one village, which is situated on part of a motu (reef-bound islet). At Nukunonu, the village occupies about half of one motu, which is connected by bridge to a neighbouring motu where some families have settled. The village on Fakaofo is on a small but comparatively high and well-shaded motu. A second village has been established on a larger nearby motu, Fenuafala, where the school, the hospital and other facilities are located.

66. A government-subsidized housing programme is in place on all three atolls. As a result, the number of houses of traditional construction has decreased significantly.

D. Welfare and relief

67. Respect for the aged is an integral part of the social system of the islands, where the responsibility of the family to provide for the aged and needy is accepted. Village women's committees, consisting principally of married women, assist the medical officers and nursing staff with infant care and child welfare. A pension is paid to both men and women over the age of 60 years.

E. Labour and employment

68. Copra production and the manufacture of handicrafts are the only industries of significance in Tokelau. Most labour is devoted to the procuring of food from lagoons, the ocean or plantations; to the maintenance of villages; and the production of handicrafts. Various public works and agriculture programmes and projects also provide employment. All paid-worker positions are rotated so as to distribute public service wages more widely throughout the community. Some work is carried out under contract by the village labour forces.

F. Crime prevention

69. There is little crime in Tokelau, and there are no prisons. Punishment generally takes the form of public rebukes, fines or labour. There are three police officers each on Fakaofo, Atafu and Nukunonu.

G. Human rights

70. The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, ratified by New Zealand in December 1978, apply in Tokelau.

Notes

1/ The information contained in the present paper has been derived largely from information transmitted to the Secretary-General by the Government of New Zealand under Article 73 e of the Charter of the United Nations on 12 April 1992 for the year ended 30 June 1991.

2/ See Official Records of the General Assembly, Thirty-first Session, Supplement No. 23 (A/31/23/Rev.1), vol. III, chap. XVII, annex, appendices I-IV.

3/ Media release, New Zealand Ministry of External Relations and Trade, 15 January 1992.

4/ The Tokelau Amendment Bill, 1986, was enacted into law at the end of July 1986 (see A/AC.109/877/Add.1, annex V).

5/ United Nations press release, GA/COL/2798, 11 June 1991.

6/ DP/CP/TOK/3, 26 February 1992: Third Country Programme for Tokelau, UNDP p. 2.

7/ The local currency is the New Zealand dollar. As at 1 June 1992, $NZ 1.00 was equivalent to US$ 0.55.

8/ DP/CP/TOK/3, 26 February 1992: Third Country Programme for Tokelau, UNDP, p. 3.

9/ Islands Business Pacific, vol. 18, No. 2, February 1992, p. 15 (Suva).